

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Eugene Millard Lum

Docket No. 5:11-MJ-1059-1

Petition for Action on Probation

COMES NOW Tiffany C. Peacock, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Eugene Millard Lum, who, upon an earlier plea of guilty to Simple Possession of Marijuana, in violation of 21 U.S.C. § 844, was sentenced by the Honorable Robert T. Numbers II, U.S. Magistrate Judge on March 4, 2015, to a 12-month term of probation under the conditions adopted by the court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On June 12, 2015, the defendant was charged with Felony Possession of Marijuana With Intent to Manufacture, Sell, or Distribute and Felony Possession Stolen Firearm (15CR057060) in Cumberland County, North Carolina. The defendant failed to notify his officer of these criminal charges. In speaking with the arresting officer, Deputy Mundy, there were two other individuals in the vehicle at the time of the traffic stop. All three defendants denied any knowledge of the weapon or the drugs as they were found in the floor board of the vehicle. All three defendants were charged with the same criminal conduct. On June 23, 2015, the defendant was confronted with the new charges at which time he denied any guilt in the offense. At this time, we do not feel that we can prove that the defendant committed the aforementioned offenses. In that Lum is denying guilt in the criminal conduct, it is recommended that no action be taken on the criminal conduct until adjudication in state court. If the defendant is convicted of this offense prior to his discharge, the court will be notified and an appropriate course of action will be recommended. As a sanction for not reporting the law enforcement contact and in an effort to deter such future conduct, we are recommending that the conditions of probation be modified to include three days in custody. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of three days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert L. Thornton

Robert L. Thornton

Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Tiffany C. Peacock

Tiffany C. Peacock

U.S. Probation Officer

310 Dick Street

Fayetteville, NC 28301-5730

Phone: 910-354-2545

Executed On: June 30, 2015

ORDER OF THE COURT

Considered and ordered on August 6, 2015 . It is further ordered that this document shall be filed and made a part of the records in the above case.



Robert T. Numbers, II

United States Magistrate Judge